
IN THE
UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

Nos. 22-4360

UNITED STATES OF AMERICA,

Plaintiff – Appellee,

v.

THUY TIEN LUONG,

Defendant – Appellant.

Appeal from the United States District Court
for the Western District of North Carolina

SUPPLEMENTAL JOINT APPENDIX
VOLUME I of I
(Pages 1 – 10)

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 Transcript of Video – IMG_0030..... 1

Case Document 69-1 filed July 27, 2021
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 HIS Interview of KD on April 19, 2021 7

AUDIO FILE NAME:

IMG_0030.MOV

TRANSCRIBER:

L. PHAM

PARTICIPANTS	TRANSLATION
	[BEGINNING OF RECORDING]
	[BACKGROUND: U/I VOICES]
UM:	Yes, I am recording now. What should we do if you repeat the wrongdoing? [PAUSE].
	[VOICES OVERLAP]
	[BACKGROUND: U/I VOICES]
DO:	If I will repeat the wrongdoing... If I repeat the wrongdoing then Tien will pour <i>acetone</i> over my head and I will not be a troublemaker again.
TIEN:	What does that mean?
	[VOICES OVERLAP]
UM:	She said “pour <i>acetone</i> over her head.”
TIEN:	Oh, really?
UM:	Yeah.
	[VOICES OVERLAP]
TIEN:	Really? Really?
	[VOICES OVERLAP]
UM:	Only that.
	[VOICES OVERLAP]
DO:	I don’t want to be poured like that.
	[VOICES OVERLAP]

TIEN:	You don't want to, but you will not let me pour it on. She said she doesn't want to...
	[VOICES OVERLAP]
DO:	I don't want to. I will not repeat the wrongdoing surely because if I don't want ...
	[VOICES OVERLAP]
UM:	Um.
	[VOICES OVERLAP]
TIEN:	Pour it on. How? Will you willingly let me pour it on? Huh? Are you willingly going to let me pour it on? Huh?
DO:	Not repeat the wrongdoing.
	[VOICES OVERLAP]
TIEN:	If you will repeat the wrongdoing then you will voluntarily. She said "I don't want Tien to pour the acetone anymore." Does that mean she doesn't want me to pour instead of letting me pouring it, right? Is that correct, old woman?
	[VOICES OVERLAP]
UM:	Yeah... Does not want to be poured... Yeah.
TIEN:	She just does not want to be poured. [BACKGROUND: U/I VOICES] Did you hear clearly about what she said?
DOAN:	Yes, I heard it.
TIEN:	What did she say?
DOAN:	If she will repeat the wrongdoing, she will not want you to pour acetone over her head, right?
TIEN:	Yes.
UM:	Yes. [CHUCKLES]

TIEN:	Is that statement very ludicrous?
UM:	If she will repeat the wrongdoing...
	[VOICES OVERLAP]
TIEN:	If she will repeat the wrongdoing then she does not want me to pour acetone on her body.
	[VOICES OVERLAP]
DO:	I was just being poured a moment ago and I am so scared already. So I don't want to...
	[VOICES OVERLAP]
TIEN:	<i>No.</i> Do you see it, old woman?
	[VOICES OVERLAP]
UM:	Uh-huh.
TIEN:	She doesn't even understand what she is talking about? Hey, that means you can be allowed to repeat the wrongdoing, but you also don't want me to pour acetone over your head if you repeat the wrongdoing?
	[VOICES OVERLAP]
UM:	Precisely.
TIEN:	Have you understood her statement yet, old woman? She talked like she did not talk, didn't she?
DOAN:	This girl is the beast. Oh my Gosh! I am telling you that we really cannot imagine how she could say these unbelievable words. I am saying honestly.
TIEN:	Hey, if you repeat the wrongdoing then you will not let me pour the acetone over your head?
	[VOICES OVERLAP]
DOAN:	Let me tell you this, let aunt tell you this. By seeing you going out and talking things about Ms. Mai's family business, I can see you are a

	person at a dangerous level. I am, I am honestly saying it. I can't imagine how you could do these things to your savior, your helper in your family. And now, don't tell me that you have to take the consequence of it just from your bad-mouthing. Do you see it? "The good and evil" Bible books. The matter of people who bad-mouth others. What is the consequences of a betrayer?
	[VOICES OVERLAP]
UM:	But she does not understand it.
DOAN:	No need, no need to read the words. You don't need to read the Bible's words but there are pictures in it.
	[VOICES OVERLAP]
UM:	<i>No, No.</i> She does not understand. She doesn't understand.
	[VOICES OVERLAP]
DOAN:	There are pictures in it.
TIEN:	She does not even understand her own statement. If she will repeat the wrongdoing then she will not want Tien to pour acetone over her. She emphasized it several times earlier. Did you hear it?
	[VOICES OVERLAP]
UM:	What does she want?
	[VOICES OVERLAP]
DO	It's like, like from now on I don't want to repeat the wrong doing any more. If I repeat then Tien will pours acetone on me. So I don't want to repeat it.
	[VOICES OVERLAP]
TIEN:	Hey, what if you repeat the wrong doing then?
DO:	If I repeat then Tien will pour acetone on me. So I am scared.
	[VOICES OVERLAP]
TIEN:	Saying that, will you bring your head to me right away? Will you bring

	your head to me right away? Is that right? Is that right?
DO:	Yes.
TIEN:	What is “yes”? Will you beg me again? Huh? Or should I sit down and pull your hairs, pull each hair out one by one and I will pour over your scalp and let your hairs fall out by itself? Is it ok? Is it ok? See... She would not dare to take it. See... Is it baloney? Talking like... Hey, your statement is so ludicrous. So now if you repeat the wrongdoing then I will not have right to pour acetone over your head? You are talking like, you, you don’t do anything to me at all.
DO:	Yes.
TIEN:	And from earlier till now when she said some sentences, do you see that she did not complete the whole sentences clearly? Ask her, what is she talking about?
DO:	If I repeat the wrong doing then Tien will pour over... [MUMBLES].
TIEN:	One cup of this? Huh? Huh? Huh? “Conic” [PH] to old woman, okay?
UM:	She does not see her here. I have recorded it already.
	[VOICES OVERLAP]
TIEN:	Ok? Remember it... Remember what? Remember what?
DO:	If I repeat the wrongdoing then I will be poured over my head... [MUMBLES].
TIEN:	Will you be moaning and crying or begging again?
DO:	I will not dare.
TIEN:	Old woman, remember it. Will you beg for her again?
DOAN:	No. I will not say anything else. I only said one time like that.
	[END OF RECORDING]

Attachment E

**DEPARTMENT OF HOMELAND SECURITY****HOMELAND SECURITY INVESTIGATIONS****REPORT OF INVESTIGATION**

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CASE NUMBER

CR15IS18CR0001

CASE OPENED

6/27/2018

CURRENT CASE TITLEThuy Tien LUONG - Luxury Nails
Salon**REPORT TITLE**

Interview of KD on April 19, 2021

SYNOPSIS

On June 26, 2018, HSI Charlotte and the Davidson Police Department encountered an adult Vietnamese female who reported that she has been repeatedly physically assaulted by her employer and that her employer had forced her to enter into a debt servitude contract for approximately \$180,000 to re-pay the business for alleged lost profits as a result of her poor work performance. The employer was identified as Thuy Tien Thuy LUONG, owner and operator of LUXURY NAIL SALON located at 610 Jetton Street, Suite 240, Davidson, North Carolina.

This Report of Investigation details the interview of KD on April 19, 2021.

REPORTED BY

Kelly Harrison

SPECIAL AGENT

APPROVED BY

Connell Ainslie

SPECIAL AGENT

DATE APPROVED

4/21/2021

Current Case TitleThuy Tien LUONG - Luxury Nails
Salon**ROI Number**

CR15IS18CR0001-057

Date Approved

4/21/2021

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DETAILS OF INVESTIGATION

On April 19, 2021, an interview was conducted with KD at the HSI Charlotte office. The following people were present: HSI Charlotte Special Agent (SA) Kelly Harrison, HSI SA Kristen Wagner, HSI SA Shelby Santos, Charlotte Mecklenburg Police Department (CMPD) Detective Mike Nguyen, KD, and attorney Sarah Byrne who represents KD in a victim advocate capacity. Assistant United States Attorney (AUSA) Kimlani Ford and Department of Justice Trial Attorney Maryam Zhuravitsky participated telephonically.

This interview was conducted in the Vietnamese language with Detective Nguyen serving as an interviewer and interpreter. Detective Nguyen is a native speaker of Vietnamese.

KD was made aware of the general purpose and nature of this interview and she provided the following information voluntarily.

KD clarified that she began working at Luxury Nails Salon in February 2016 and it was initially six days per week. In the summer of 2016, KD began working seven days per week. By summer, she associates the summer season as beginning on or after Easter. Easter 2016 was on March 27, 2016. KD recalled that she did not work the month of June 2016 because she took a trip to Vietnam. She was not paid wages during that month that she was away.

KD's lunch breaks were typically 30 minutes, but there was no specific rule about this. If she had a customer, sometimes she would just take 10-15 minutes to eat and get back to work. She stated if she was busy, she would take a break whenever she could.

In the beginning of working at Luxury Nails, everyone would try to eat together, but toward the end of her time working there, she would either eat alone or sometimes with Thu Doan, Tien LUONG's mother.

The store, Luxury Nails Salon, was closed for the holidays New Years Day, Christmas, Thanksgiving, US Independence Day, Easter, and Memorial Day. If the store was closed, she did not work.

For the week of January 7, 2018 through January 15, 2018, KD could not recall if she worked during that time or not. KD stated that she was always paid with a check, never with cash.

During this investigation and during the preparation for trial, KD took time off from work as needed. If the preparation time was a half day or less, she would typically go to work for the rest of the day. But on days where preparation took most of the day, she did not go to work.

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Thuy Tien LUONG - Luxury Nails
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After KD initially reported her injuries and situation to law enforcement in June 2018, she did not work for a month afterward. KD stated that she wanted to give her face time to heal so that customers would not see injuries.

When KD began working for Tien at Luxury Nails Salon, she initially worked 10:00 AM to 7:00 PM. About two months into working there, Tien asked KD to be at work at 9:00 AM instead. So her new work hours were 9:00 AM to 7:00 PM and this was true for the duration until she reported to law enforcement.

Regarding skin scarring and her injuries, KD used to purchase special cream that was supposed to help make scars disappear. KD was not sure if she still had scarring on her chest because she intentionally does not look at her body and she has not tried to look at her back either. KD consented to allowed SA Harrison to look at chest and back in private to assess if there was any remaining scars. KD and SA Harrison went to the HSI women's restroom where KD allowed SA Harrison to observe her chest and back. SA Harrison observed three scars resembling old puncture wound on KD's chest, 1 scar resembling a puncture wound on KD's back, and one scar resembling a puncture wound on KD's upper left arm. SA Harrison pointed out the wounds on KD's chest and arm to KD because she could see those easily by either looking down or in a mirror and asked KD if she recalled where those injuries came from. KD made a stabbing motion with her hand and said, "Tien."

Attorneys Ford and Byrne went over victim rights information with KD.

/end interview.

Case Agent Note: A general log of the dates and times that KD was present with investigators or present in court was kept by SA Harrison. The following table reflects the dates and approximate amount of time that KD was present and therefore away from work.

6/26/2018 7.0 hours Police Investigation and time with paramedics

* SA Harrison is aware that KD sought medical attention at an emergency room on 6/26/2018 as well, but the amount of time she was there is unknown to me.

8/8/2018 2.0 hours Police Investigation

2/26/2019 8.0 hours HSI interview

6/18/2019 2.0 hours HSI interview

7/31/2019 5.0 hours HSI interview

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2/10/2020 1.0 hour HSI interview
9/22/2020 1.0 hour HSI interview
9/29/2020 2.0 hours HSI interview
11/18/2020 3.0 hours HSI interview
11/19/2020 0.5 hours HSI interview
12/22/2020 8.0 hours Trial Preparation
12/30/2020 4.0 hours Trial Preparation
1/4/2021 3.0 hours Trial Attendance
1/5/2021 8.0 hours Trial Attendance
1/6/2021 3.0 hours Trial Attendance
4/19/2021 1.5 hours HSI interview

These known hours total 59 hours.

/end report.

Current Case Title**ROI Number****Date Approved**

Thuy Tien LUONG - Luxury Nails
Salon

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